

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 10, 2007

D045581 Johnson et al. v. Farmers Insurance Exchange

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D051218 People v. Tafoya

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

D049072 People v. Henly

The judgment is modified to specify that the first prison prior enhancement related to the 1989 federal offense rather than the 2003 state offense and the trial court is directed to prepare an amended abstract of judgment reflecting this modification. As so modified, the judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

D050151 Conservatorship of Brenda P.

The judgment is affirmed. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D049262 People v. Moline et al.

The judgment pertaining to Moline is affirmed. The judgment pertaining to Newlin is modified to remove the one-year prior prison term enhancement (§667.5, subd. (b)), and as so modified is affirmed. The superior court is instructed to correct the abstract of judgment and to transmit a copy of the amended abstract to the Department of Corrections. Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

Clerk: D. Moore

D049890 Real Estate Analytics LLC v. Vallas

Cause called on merits. Linda Sue Loftin, Esq. argued for appellant. Donald Steven Gottesman, Esq. argued for respondent. Ms. Loftin replied. Mr. Gottesman replied. Cause submitted.

D049161 Real Estate Analytics LLC v. Vallas

Cause called on merits. Donald Steven Gottesman, Esq. argued for appellant/cross-respondent. Linda Sue Loftin, Esq. argued for respondent/cross-appellant. Mr. Gottesman replied. Ms. Loftin replied. Cause submitted.

Court recessed at 9:44 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 10, 2007 (Continued)

D049819 People v. Calac

Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant. William Wood, Deputy Attorney General argued for respondent. Mr. Ford replied. Cause submitted.

Court recessed at 10:15 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

D048558 Anderson v. Board of Trustees of the California State University et al.

Cause called on merits. Diane Elizabeth Bond, Esq. argued for appellant. Charles A. Bleiler, Esq. was present in oral argument for appellant, but did not argue. Chris A. Knudsen, Deputy Attorney General argued for respondent. Ms. Bond replied. Cause submitted.

Court recessed 10:36 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D049276 Fourth La Costa Condominium Owners Association v. Seith

Cause called on merits. Alan H. Burson, Esq. argued for appellant. Cause submitted.

Court recessed at 11:02 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and James McIntyre
Clerk: D. Moore

D050095 People v. Davalos

Cause called on merits. Chuck Sevilla, Esq. argued for appellant. Elizabeth Voorhies, Deputy Attorney General argued for respondent. Mr. Sevilla replied. Cause submitted.

Court recessed at 2:00 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

D050007 Brannon v. International Thunderbird Gaming Corporation

Cause called on merits. James D. Crosby, Esq. argued for appellant. Dennis Scott Carruthers, Esq. argued for respondent. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 10, 2007 (Continued)

D049107 Velazquez v. Sainburg

Cause called on merits. Robert Peter Sainburg, Esq. argued for appellant. Jeff Doggett, Esq. argued for respondent. Mr. Sainburg replied. Cause submitted.

D049884 Combs v. Skyriver Communications Inc., et al.

Cause called on merits. Matthew Gene English, Esq. argued for appellant. Joseph Connaughton, Esq. argued for respondent. Mr. English replied. Cause submitted.

D049681 Bunn v. Ferguson

Cause called on merits. Fred C. James, Esq. argued for appellant. Brian Gail Kindsvater, Esq. argued for respondent. Mr. James replied. Cause submitted.

Court recessed at 3:07 p.m. until Tuesday, December 11, 2007 at 9:00 a.m.

D052096 AMCO Insurance Company v. Superior Court of San Diego County/Avocado Crest Condominiums

The petition is denied.

D051650 Reedy v. The Superior Court of San Diego County/Bussell

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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D051495 Gloria O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McDonald, J.; We Concur: Benke, Acting P.J., Aaron, J.

D049754 People v. Davis

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D049600 People v. Knox

The sentence is reversed and the case remanded to the superior court to conduct a new sentencing hearing consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D047786 People v. Willis

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D048794 People v. Sanchez

The judgment is affirmed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D049559 People v. Bruce

The judgment is affirmed. The petition is denied. McConnell, P.J.; We Concur: O'Rourke, J., Aaron, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Joan Irion
Clerk: D. Moore

D045154) Buell-Wilson et al. v. Ford Motor Company et al.

D045579) Buell-Wilson et al. v. Ford Motor Company et al.

Cause called on merits. Theodore J. Boutrous, Jr., Esq. argued for appellant. Jerome B. Falk, Esq. argued for respondent. Mr. Boutrous replied. Cause submitted.

Court recessed at 9:50 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 11, 2007

D050145 Cress v. Board of Retirement of the Imperial County Employees' Retirement System

Cause called on merits. Walter Cress, argued for appellant in pro per. Queena Hu, Esq. argued for respondent. Mr. Cress replied. Cause submitted.

D050358 Vaught et al. v. State of California

Cause called on merits. David H. Greenberg, Esq. argued for appellant. Richard F. Wolfe, Esq. argued for respondent. Mr. Greenberg replied. Cause submitted.

D050449 McLeod et al. v. Vista Unified School District

Cause called on merits. Everett Leon Delano, Esq. argued for appellant. Kenneth S. Klein, Esq. argued for respondent. Mr. Delano replied. Cause submitted.

Court recessed at 2:43 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Terry O'Rourke

D049936 Adajar et al. v. RWR Homes Inc., et al.

Cause called on merits. Carlos V. Yguico, Esq. argued for appellant. Pamela E. Dunn, Esq. argued for respondent. Mr. Yguico replied. Cause submitted.

Court recessed at 3:00 p.m. until Wednesday, December 12, 2007 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 12, 2007

D049819 People v. Calac

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D051982 Morgan et al. v. City of San Diego et al.

The appeal is dismissed as untimely.

D050899 In re Fernando G. et al., Juveniles

The motion to augment is granted and the appeal is dismissed as moot. McIntyre, J.;
We Concur: Huffman, Acting P.J., McDonald, J.

D050389 People v. Stewart

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D047844 People v. Gelashvili

The sentence and enhancement on count 4 are stayed. The court's imposition of upper term sentences on counts 2 through 4 is reversed, and we remand this matter for further proceedings not inconsistent with this opinion and *Cunningham*. The abstract of judgment must be corrected to reflect the stay on count 4 and also that (1) the determinate terms are to run before the count 1 indeterminate life term; and (2) the enhancement in count 3 is imposed pursuant to section 12022.5, subdivision (a). The court is directed to send an amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D050835 People v. Robbins

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D051405 People v. Santos

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D050995 In re Daniel S., a juvenile

The order is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McDonald, J.

D049046 In re Marriage of Porter

The family court's order is reversed and remanded with instructions to enforce the prior attorney fee orders and provide interest to Diane on the prior attorney fee, medical reimbursement and child support arrears and consider Diane's request for attorney fees incurred in these proceedings. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D050815 In re D.S. et al., Juveniles

The orders are affirmed. Benke, Acting P.J.; We Concur: Haller, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 12, 2007 (Continued)

D049989 CenterPoint Energy, Inc. v. Superior Court of San Diego County/City and County of San Francisco et al.

Let a peremptory writ of mandate issue directing the trial court to vacate its order denying the motion of CenterPoint to quash service of summons and to enter a new order granting the motion. CenterPoint is awarded its costs incurred in this original proceeding. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D051108 In re Jesse W. et al., Juveniles

The petition for rehearing is DENIED.

Presiding Justice McConnell and Justice Huffman concur in the denial; Justice McDonald would grant.

D050953 In re Mauricio S., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D049988 Reliant Energy, Inc. v. Superior Court of San Diego County/City and County of San Francisco et al.

The petition is denied. Costs in this original proceeding are awarded to Real Parties in Interest. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D051646 Jonathan C. v. Alesha D.

Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D050528 Zermeno v. Underdahl et al.

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

Clerk: D. Moore

D049862 People v. Twyne

D050986 In re Twyne on Habeas Corpus

Cause called on merits. Lewis A. Wenzell, Esq. argued for appellant. Marissa Bejarano, Deputy attorney General argued for respondent. Cause submitted as to appeal only, D049862.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 12, 2007 (Continued)

D049922 People v. Ramirez

Cause called on merits. Martin Kassman, Esq. argued for appellant. Daniel Silva, Deputy Attorney General argued for respondent. Mr. Kassman replied. Cause submitted.

D048527 People v. Beach

Cause called on merits. Kevin D. Sheehy, Esq. argued for appellant. James Flaherty, Deputy Attorney General argued for respondent. Cause submitted.

D050080 B v. B

Cause called on merits. Bonnie Simonek, Esq. argued for appellant. Erika Mary Collins, Esq. argued for respondent. Ms. Simonek replied. Cause submitted.

Court recessed at 10:10 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

Clerk: D. Moore

D049196 Pronovost v. Aurora Loan Services LLC. et al.

Cause called on merits. Paul Cane, Esq. argued for appellant/cross-respondent. Bruce Cornblum, Esq. argued for respondent/cross-appellant. Mr. Cane replied. Mr. Cornblum replied. Cause submitted.

Court recessed at 1:46 p.m. to change panels. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D051172 In re Kayla P., a Juvenile

Cause called on merits. Carl Fabian, Esq. argued for the minor. Nicole Williams, Esq. argued for appellant. Catherine Bird, Deputy County Counsel argued for respondent. Mr. Fabian replied. Cause submitted.

D049799 Schiff Food Products Co. v. Perez et al.

Cause called on merits. Kyle Nordrehaug, Esq. argued for appellant. David A. Kay, Esq. argued for respondent. Cause submitted.

Court recessed at 2:50 p.m. until Thursday, December 13, 2007 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 12, 2007 (Continued)

D051844 Roberts v. Superior Court of San Diego County/People

The petition for writ of mandate has been read and considered by Justices Nares, McDonald and Irion. We take judicial notice of the record on appeal in D051879. The petition is DENIED.

D051484 In re Young on Habeas Corpus

The petition for a writ of habeas corpus, the "Notice of Motion and Motion in Opposition to Denial of Petition for writ of Habeas Corpus; Motion for en banc Review," the two "Notice of Motion and Motion to Amend," the "Notice and Request for Ruling," the "Request for Appointment of Counsel" and the "Renewed Notice of Motion and Motion to Amend" have been read and considered by Justices Nares, McDonald and Irion. We take judicial notice of the direct appeal D035550, and prior petitions D039961, D040150, D043023 and D050743.

A jury convicted Jerry Wayne Young of lewd conduct with a child under 14. On March 20, 2000, the court sentenced Young to 35 years to life. We affirmed the judgment on March 5, 2001. Since then Young has filed various petitions collaterally attacking the judgment. In this petition, Young claims he was placed twice in jeopardy on certain counts, his sentence is unauthorized, and he was denied his right to appeal a misdemeanor conviction.

The petition is successive because the issues could have been raised on appeal or in a prior petition. (*In re Clark* (1993) 5 Cal.4th 750, 765, 767-768.) Young has not established his conviction was fundamentally unfair due to constitutional error.

The petition is denied.

D051879 People v. Roberts

The record on appeal in D051879 has been read and considered by Justices Nares, McDonald and Irion. The appeal is DISMISSED because it is from a nonappealable order.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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December 13, 2007

D051150 In re S.S. et al., Juveniles

The orders are affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

D050399 People v. Kinney

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McDonald, J.

D051324 In re Monica H. et al., Juveniles

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Benke, J., McIntyre, J.

D050703 In re Hector A., a Juvenile

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D050463 In re Cory D. a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D049589 Schweitzer v. Westminster Investments et al.

D049616 Schweitzer v. Westminster Investments et al.

The judgment is reversed, except insofar as the court denied Schweitzer's motion for leave to amend and granted defendants' motion in limine on the section 1695.16 claim, and the order awarding attorney fees is vacated. On remand, the court shall enter judgment in favor of the defendants. Defendants are entitled to costs on appeal. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion
Clerk: D. Moore

D049883 Exarhos v. California Bank & Trust

Cause called on merits. Craig Gross, Esq. argued for appellant. Patricia L. Davis, Esq. argued for respondent. Mr. Gross replied. Cause submitted.

D049158 Sloan et al. v. City of San Diego

Cause called on merits. Colleen Carlton Smith, Esq. argued for appellant. Michael A. Conger, Esq. was present in oral argument for respondent, but had nothing to add. Cause submitted.

D050164 Allied Investments v. Lee Pacific LLC

Cause called on merits. Lowell Sutherland, Esq. argued for appellant. Effie Anastassiou, Esq. argued for respondent. Mr. Sutherland replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 13, 2007 (Continued)

Court recessed at 10:20 a.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D050039 City of Calexico v. Imperial Irrigation District

Cause called on merits. Anthony J. Boucek, Esq. argued for appellant. Allen Matkins, Esq. argued for respondent. Mr. Boucek replied. Cause submitted.

Court recessed at 11:04 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion
Clerk: D. Moore

D047468 In re Little on Habeas Corpus

Matter called on merits. Athena Shudde, Esq. argued for petitioner. Steve Oetting, Deputy Attorney General argued for respondent. Ms. Shudde replied. Matter submitted.

Court recessed at 2:00 p.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D048409 Miletich et al. v. Travelers Property Casualty Insurance Company

Cause called on merits. Timothy D. Rand-Lewis, Esq. argued for appellant. Scott Gregory Johnson, Esq. argued for respondent. Cause submitted.

Court recessed at 2:24 p.m. to change panel members. New panel members: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D048864 South Bay Rod and Gun Club, Inc. v. Dashiell

Cause called on merits. Anthony J. Caputo, Esq. argued for appellant. Charles A. Bird, Esq. argued for respondent. A. David Mongan, Esq. replied for appellant. Cause submitted.

Court recessed at 2:55 p.m. until Friday, December 14, 2007 at 9:00 a.m.

D051586 In re Elliott on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 13, 2007 (Continued)

D051615 In re Hunt on Habeas Corpus

The petition is denied without prejudice to refilling with a complete record.

**D052133 Cel J., Inc. v. The Superior Court of San Diego County/Fourth Quarter
Properties XXX, LLC**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 14, 2007

D051777 Wardrop v. Superior Court of San Diego County/North San Diego County Transit Development Board

The petition is denied.

D051827 Tobias S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tobias S. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D051888 Carey S. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Carey S. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D051880 Susan S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief (Cal. Rules of Court, rule 8.452, 5.600) has been filed. Additional, the attorney for petitioner Susan S. has notified the court on behalf of the petitioner that a petition will not be filed. The case is dismissed.

D051848 Bernadette H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Bernadette H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review.

A proper petition for extraordinary writ has not been filed by Frank H. The notice of Intent is deemed to be abandoned. The case is dismissed.

D050625 Anderson v. Cordis Corporation et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D050823 In re E.R., a Juvenile

The orders are affirmed. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D050440 People v. Riker

Riker's conviction on count 3 of the lesser included offense of grand theft is reversed. The trial court is directed to correct the abstract of judgment to reflect the sentence imposed and to strike the parole revocation fine. In all other respects, the judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 14, 2007 (Continued)

D049452 Hogar v. Community Development Commission of the City of Escondido

The trial court's order is reversed insofar as it fails to provide compensation for attorney fees incurred after December 20, 1997, and for all attorney fees incurred in prosecuting the motion for attorney fees. As to those issues, the order is reversed for further proceedings consistent with the view we have expressed. In all other respects, the order is affirmed. Hogar to recover its costs of appeal. CERTIFIED FOR PARTIAL PUBLICATION. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D051636 In re Wilson on Habeas Corpus

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

Clerk: D. Moore

D048169 People v. Rust

Cause called on merits. Russell S. Babcock, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Mr. Babcock replied. Cause submitted.

D048456 People v. Varghese

Cause called on merits. George L. Schraer, Esq. argued for appellant. Lynne McGinnis, Deputy Attorney General argued for respondent. Mr. Schraer replied. Cause to be submitted at a later date.

Court recessed at 10:01 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Joan Irion

D049198 Brack et al. v. Omni Loan Company Ltd. et al.

Cause called on merits. Mary A. Lehman, Esq. argued for appellant. William T. Reid, Esq. argued for respondent. Ms. Lehman replied. Cause submitted.

Court recessed at 11:04 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
December 14, 2007 (Continued)

D048004 People v. Hernandez

Cause called on merits. Laura G. Schaefer, Esq. argued for appellant. Lynne McGinnis, Deputy Attorney General argued for respondent. Ms. Schraer replied. Cause submitted.

Court recessed at 11:26 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre
Clerk: D Moore

D049612 Otay River Constructors v. South Bay Expressway L.P.

Cause called on merits. Roger Mark Hughes, Esq. argued for appellant. Charles Bird, Esq. argued for respondent. Mr. Hughes replied. Cause submitted.

Court recessed at 2:04 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Terry O'Rourke

D050749 In re Rayshawn B. et al., Juveniles

Cause called on merits. Brent Dail Riggs, Esq. argued for appellant. Gary Seiser, Deputy County Counsel argued for respondent. Neil Trop, Esq. argued for the minor. Mr. Riggs replied. Cause submitted.

D050079 McCready v. McCready

Cause called on merits. Sharron Voorhees, Esq. argued for appellant. John Morris, Esq. argued for respondent. Ms. Voorhees replied. Cause submitted.

D049445 Nagy v. Pfizer, Inc.

Cause called on merits. Robert Scott Dreher, Esq. argued for appellant. Joseph Angel Kouri, Esq. argued for respondent. Mr. Dreher replied. Cause submitted.

Court adjourned at 3:17 p.m.